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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14

15
16 John H. Sykes,

17 Plaintiff,

18 v.

19 Rosadia D. Escueta, Paul Thornton, Chong
20 A. Im (individually, and as trustee of the
Chong A. Im Trust dated 9/21/07), Kevin
21 Im, and Jackie Im,

22 Defendants.

Case No: 3:10-CV-03858-SC

**STIPULATION AND ~~PROPOSED~~
ORDER FOR REVISED CASE
MANAGEMENT SCHEDULE AND
FOR LEAVE TO DEFENDANTS TO
FILE A SUPPLEMENTAL PLEADING**

Judge: Hon. Samuel Conti
Date Complaint Filed: August 27, 2010

23 Plaintiff, John H. Sykes, ("Plaintiff"), by and through his counsel of record, Chad
24 R. Fuller and Jennifer A. Schneider of Foley & Lardner, LLP, and Defendants Rosadia D.
25 Escueta, Paul Thornton, Chong A. Im (individually, and as trustee of the Chong A. Im
26 Trust dated 9/21/07), Kevin Im, and Jackie Im, (collectively "Defendants"), by and
27 through their respective counsel of record, Jeffrey A. Feldman and Thomas H. Porter of
28 the Law Offices of Jeffrey A. Feldman, hereby enter into this stipulation ("Stipulation")

1 with regard to the following facts:

2 A. The initial case management conference is currently scheduled for
3 December 17, 2010, at 10 am. Likewise, per the Court's Order Setting Initial Case
4 Management Conference and ADR Deadlines, the last day for the parties to file a Rule
5 26(f) Report, complete initial disclosures, or state objection in Rule 26(f) Report and file
6 a Case Management Statement, is December 10, 2010. On November 29, 2010, the
7 Court issued its Order Granting Motion for Preliminary Injunction ("Order") enjoining
8 Defendants from pursuing Plaintiff Sykes in the following pending Financial Industry
9 Regulatory Authority ("FINRA") arbitration cases: FINRA Arbitration Nos. 09-05056
10 (Escueta v. GunnAllen Financial, et al.); 09-02238 (Thornton v. GunnAllen Financial, et
11 al.); and 09-03838 (Im v. GunnAllen Financial, et al.). Per the Order, the injunction is to
12 remain in force until trial or issuance of a dispositive court order on the issue of FINRA's
13 jurisdiction over Sykes. This Order has changed the landscape of the case. Defendants
14 now seek leave to bring their claims against Plaintiff Sykes into this Court and to file
15 their counterclaim.

16 B. Counsel for Plaintiff Sykes and Defendants have conferred and have agreed
17 that the Case Management Schedule, set forth in the Order Setting Initial Case
18 Management Conference and ADR Deadlines, should be revised to allow Defendants
19 reasonable time to file their counterclaim before the parties are obligated to begin the
20 Rule 26 process. Defendants, pursuant to FRCP Rule 15(d), will file a Supplemental
21 Pleading in this action, which shall act as a counterclaim, setting forth the types of claims
22 that Defendants had been pursuing against Plaintiff in Defendants' respective FINRA
23 arbitrations, which have now been stayed as to Plaintiff by the Court's order in this
24 action.

25 NOW THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff
26 John H. Sykes and Defendants Rosadia D. Escueta, Paul Thornton, Chong A. Im
27 (individually, and as trustee of the Chong A. Im Trust dated 9/21/07), Kevin Im, and
28 Jackie Im that, subject to the Court's approval:

1 a. The Initial Case Management Conference (CMC) will be held on
2 March 18, 2011, in Courtroom 1, 17th Floor, SF at 10 a.m., and those other
3 deadlines, as set forth in the Court's Order Setting Initial Case Management
4 Conference and ADR Deadlines, are continued accordingly,

5 b. Defendants shall file their Supplemental Pleading, which shall act as
6 a counterclaim, no later than January 7, 2011.


7
8 Dated: December 8, 2010

FOLEY & LARDNER LLP
CHAD R. FULLER
JENNIFER A. SCHNEIDER

10
11 By: 
12 CHAD R. FULLER
Attorneys for Plaintiff John H. Sykes

13 Dated: December 7, 2010

LAW OFFICES OF JEFFREY A.
FELDMAN
JEFFREY A. FELDMAN
THOMAS H. PORTER

16
17 By: 
18 JEFFREY A. FELDMAN
19 Attorneys for Defendants Rosadia D.
Escueta, Paul Thornton, Chong A. Im
20 (individually, and as trustee of the Chong
A. Im Trust dated 9/21/07), Kevin Im,
21 and Jackie Im

22 PURSUANT TO STIPULATION, IT IS SO ORDERED:

23 Dated: December 8, 2010

24 Hon. Samuel Conti
25 United States District Court
26 Northern District of California

